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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,118	12/14/2005	Sean Boyle	063-P-001	5912
7277	7590	10/06/2008		
Miskin & Tsui-Yip LLP 1350 Broadway, Suite 802 NEW YORK, NY 10018			EXAMINER DARNO, PATRICK A	
			ART UNIT	PAPER NUMBER
			2169	
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			10/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,118

Applicant(s)

BOYLE, SEAN

Examiner

PATRICK A. DARNO

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 12/12/2006

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-26 are pending in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17, 21 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication Number 2002/0126005 issued to Gordon E. Hardman et al. (hereinafter “Hardman”).

Claim 1:

Hardman discloses a system for tracking an object during its operative life (*Hardman: paragraph [0055], lines 1-4*), the object being assigned an identifier stored on a medium (*Hardman: paragraph [0084], lines 1-5 and paragraph [0096]*) operatively mounted to the object (*Hardman: paragraph [0084], lines 1-2 and paragraph [0055], line 4*), the system comprising:

at least one means, at a service provider, for writing service information to the medium, the service information characterized by at least one service operation on the object (*Hardman: paragraph [0084] and paragraph [0103]*);

at least one means, at a service provider, for reading service information from the medium (*Hardman: paragraph [0057], lines 1-3 and paragraph [0076]*);

means for generating performance information characterized by at least one object-related performance characteristic (*Hardman: paragraph [0084]*);

a system database having means for storing (*Hardman: paragraph [0077], lines 1-2*), in association with the object through the identifier (*Hardman: paragraph [0057], lines 1-3*), the performance information on the medium, the performance information being, and having means for storing, in association with the object through the identifier, the service information on the medium (*Hardman: paragraph [0084]*); and

a processor (*Hardman: paragraph [0086], lines 1-4*), operatively coupled to the database, having means for tracking the object, associated with the identifier, and having means for managing the service information and the performance information associated with the object through the identifier (*Hardman: paragraph [0085], lines 1-11 and paragraph [0084] and paragraph [0096]*);

wherein the at least one means for reading and the at least one means for writing are in communication with the processor (*Hardman: paragraph [0057], lines 1-3 and paragraph [0086], lines 1-4*).

Claim 2:

Hardman discloses all the elements of claim 1, as noted above, and Hardman further discloses wherein the object is a tire (*Hardman: Paragraph [0055], lines 1-4 and paragraph [0056], lines 1-4 and paragraph [0084]*), and wherein the object-related performance characteristics are tire-related performance characteristics (*Hardman: paragraph [0084]*).

Claim 3:

Hardman discloses all the elements of claim 1, as noted above, and Hardman further discloses wherein the medium is a radio frequency identification (RFID) tag (*Hardman: paragraph [0082], lines 1-5 and paragraph [0088]*).

Claim 4:

Hardman discloses all the elements of claim 1, as noted above, and Hardman further discloses wherein the processor further comprises means for assigning the identifier to the object based on a manufacturer (*Hardman: paragraph [0095] and paragraph [0096] and paragraph [0084]*).

Claim 5:

Hardman discloses all the elements of claim 4, as noted above, and Hardman further discloses wherein the system further comprises a registration database, operatively coupled to the processor, and wherein the registration database has means for storing the performance information in the registration database in association with the manufacturer (*Hardman: paragraph [0077], lines 1-6 and paragraph [0095] and paragraph [0096] and paragraph [0084]*).

Claim 6:

Hardman discloses all the elements of claim 1, as noted above, and Hardman further discloses wherein the processor further comprises means for assigning the identifier to the object based on a manufacturing model number (*Hardman: paragraph [0095] and paragraph [0096] and paragraph [0084]*).

Claim 7:

Hardman discloses all the elements of claim 6, as noted above, and Hardman further discloses wherein the database further comprises a registration database, operatively coupled to the processor, wherein the registration database has means for storing the performance information in the registration database in association with the manufacturer model number (*Hardman: paragraph [0077], lines 1-6 and paragraph [0095] and paragraph [0096] and paragraph [0084]*).

Claim 8:

Hardman discloses all the elements of claim 1, as noted above, and Hardman further discloses wherein the reading means is included in the device for encoding the medium (*Hardman: paragraph [0088]*).

Claim 9:

Hardman discloses all the elements of claim 8, as noted above, and Hardman further discloses wherein the writing means is a device for encoding the medium (*Hardman: paragraph [0098] and paragraph [0159] and paragraph [0218]*).

Claim 10:

Hardman discloses all the elements of claim 1, as noted above, and Hardman further discloses wherein the writing means is a device for encoding the medium (*Hardman: paragraph [0098] and paragraph [0159] and paragraph [0218]*).

Claim 11:

Hardman discloses all the elements of claim 2, as noted above, and Hardman further discloses wherein each object-related performance characteristics is selected from a group consisting of: pressure, temperature, mileage, tread depth, recall date, warranty, and age (*Hardman: paragraph [0084]*).

Claim 21:

A medium encoded for identifying an object wherein at least one characteristic encoded therein is selected from the group consisting of: a model of the object, a year of production of the object, a physical characteristic of the object, a service provider for the object, a manufacturer of

the object, and an object identifier (*Hardman: paragraph [0084] and paragraph [0095] and paragraph [0096]*).

Claims 12-17 and 25-26:

Claims 12-17 and 25-26 are rejected under the same or similar reasons to those set forth in the rejections of claims 1-11.

3. Claims 18-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication Number 2003/0006121 issued to Kenneth Yukou Lee et al. (hereinafter “Lee”).

Claim 18:

Lee discloses a method of encoding a medium for identifying an object comprising:

- a) at a service provider, generating an identifier based on at least one characteristic associated with the object (*Lee: paragraph [0017] and paragraph [0018], lines 1-5*);
- b) updating a list of object identifiers, stored at a database accessible at the service provider, to prevent a conflict in the list of object identifiers (*Lee: paragraph [0018], lines 9-13*);
- c) writing the identifier to the medium operatively coupled to the object (*Lee: paragraph [0018], lines 1-5*); and
- d) registering the object in a central database, associated with the service provider (*Lee: paragraph [0018], lines 9-13*).

Claim 19:

Lee discloses all the elements of claim 18, as noted above, and Lee further discloses wherein the medium is a radio frequency identifier (RFID) tag, whereby the identifier is written as a unique 96-bit number (*Lee: paragraph [0017] and paragraph [0018], lines 1-5*).

Claim 20:

Lee discloses all the elements of claim 19, as noted above, and Lee further discloses wherein the unique 96-bit number is divided into a plurality of numerical number blocks, and each numerical block representing a selected characteristic associated with the object (*Lee: paragraph [0017] and paragraph [0018], lines 1-5*).

Claim 22:

Claim 22 is rejected under the same or similar reasons as those set forth in the rejection of claim 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and further in view of Hardman.

Claim 23:

Lee discloses all the elements of claim 22, as noted above, but Lee fails to disclose wherein the object is a tire.

However, Hardman sets forth wherein the object being monitored, using RF technologies, is a tire (*Hardman: Paragraph [0055], lines 1-4 and paragraph [0056], lines 1-4 and paragraph [0084]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee with the teachings of Hardman for the purpose of using RF technologies to monitor and track characteristics of a tire (*Hardman: paragraph [0082], lines 1-5 and paragraph [0084] and paragraph [0085], lines 4-11 and paragraph [0086]*). The skilled artisan would have been motivated to modify the teachings of Lee noted above for the purposes of monitoring large tires in off-road vehicles (*Hardman: paragraph [0003]*). Such tires are expensive and require regular maintenance in order to operate effectively (*Hardman: paragraph [0003]*). Furthermore, the combination is presumed valid because the combination of Lee and Hardman would yield the predictable result of monitoring a tire's characteristic with RF technology.

Claim 24:

Lee discloses all the elements of claim 22, as noted above, but Lee does not explicitly disclose wherein at least one characteristic is chosen from the group consisting of: a model of the object, a year of production of the object, a physical characteristic of the object, a service provider for the object, manufacturer of the object, and an object identifier.

However, Hardman discloses wherein at least one characteristic is chosen from the group consisting of: a model of the object, a year of production of the object, a physical characteristic

of the object, a service provider for the object, manufacturer of the object, and an object identifier (*Hardman: paragraph [0084] and paragraph [0095] and paragraph [0096]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee with the teachings of Hardman for the purpose of using RF technologies to monitor and track characteristics of a tire (*Hardman: paragraph [0082], lines 1-5 and paragraph [0084] and paragraph [0085], lines 4-11 and paragraph [0086]*). The skilled artisan would have been motivated to modify the teachings of Lee noted above for the purposes of monitoring large tires in off-road vehicles (*Hardman: paragraph [0003]*). Such tires are expensive and require regular maintenance in order to operate effectively (*Hardman: paragraph [0003]*). Furthermore, the combination is presumed valid because the combination of Lee and Hardman would yield the predictable result of monitoring a tire's characteristic with RF technology.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wilson Lee/
Primary Examiner, Art Unit 2163

/Patrick A. Darno/
Examiner
Art Unit 2169
10-01-2008

PAD